

CHAPTER 414—S.F.No. 1980

An act relating to human services; providing for exhaustion of benefits from other programs before payment of adoption subsidies; establishing a family subsidy program for families with children with developmental disabilities; amending Minnesota Statutes 1984, section 259.40, subdivisions 1 and 2; Minnesota Statutes 1985 Supplement, section 252.32; proposing coding for new law in Minnesota Statutes, chapter 259; repealing Minnesota Statutes 1985 Supplement, section 252.27, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 259.40, subdivision 1, is amended to read:

Subdivision 1. **SUBSIDY PAYMENTS.** The commissioner of human services may make subsidy payments as he deems necessary to families an adoptive parent or parents who adopt a child who is a Minnesota resident and is under state guardianship of the commissioner or of a Minnesota resident from a licensed child placing agency after the adoptive placement of the child final decree of adoption is issued. The subsidy payments and any subsequent modifications to the subsidy payments shall be based on the needs of the child that the commissioner has determined cannot be met using other resources including programs available to the child and the child's adoptive parent or parents.

Sec. 2. Minnesota Statutes 1984, section 259.40, subdivision 2, is amended to read:

Subd. 2. **SUBSIDY AGREEMENT.** The placing agency shall certify a child as eligible for a subsidy according to rules promulgated by the commissioner. When a parent or parents are found and approved for adoptive placement of a child certified as eligible for a subsidy, and before the final decree of adoption is issued, there must be a written agreement in accordance with the rules promulgated by must be entered into by the commissioner, between the adoptive parent or parents entering into the subsidized adoption, and the placing agency. The written agreement must be in the form prescribed by the commissioner and must clearly setting set forth the responsibilities of all parties and, the anticipated duration of the subsidy payments, and the payment terms of the subsidy agreement. The subsidy agreement shall be subject to the commissioner's approval.

The commissioner shall provide adoption subsidies to the adoptive parent or parents according to the terms of the subsidy agreement. The subsidy may include payment for medical, dental, and surgical expenses; psychiatric and psychological expenses; maintenance costs; and other costs necessary for the child's care and well-being. The anticipated duration of the subsidy shall be specified in the agreement basic maintenance expenses of food, clothing, and shelter; ongoing supplemental maintenance expenses related to the child's special needs; nonmedical expenses periodically necessary for purchase of services, items or equipment related to the child's special needs; and medical expenses. The placing agency or the adoptive parent or parents shall provide written documentation to support requests for subsidy payments. The commissioner

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may require periodic reevaluation of subsidy payments. The amount of the subsidy payment may in no case exceed that which would be allowable for the child under foster family care.

Sec. 3. [259.406] **TRANSFER OF FUNDS.**

The commissioner of human services may transfer funds into the subsidized adoption account when a deficit in the subsidized adoption program occurs pursuant to section 256F.05, subdivision 7.

Sec. 4. Minnesota Statutes 1985 Supplement, section 252.32, is amended to read:

252.32 FAMILY SUBSIDY PROGRAM.

Subdivision 1. PROGRAM ESTABLISHED; APPLICATION. Within the limits of appropriations, the commissioner of human services may provide subsidies to families with children with mental retardation or related conditions in order to enable those families to continue caring for the children in their own homes. The commissioner may establish criteria for determining eligibility for a subsidy and subsidy amounts and conditions for use of subsidies. The commissioner of human services shall establish a program to provide subsidies to families to enable them to care for their dependents with handicaps in their own home. This program must be limited to families whose dependents are under the age of 22 and who are mentally retarded or who have a related condition and otherwise would require or be eligible for placement in a licensed residential facility as set forth in section 245.782, subdivision 6.

Applications for the subsidy shall be made by the county social service agency to the department of human services. The application shall specify the needs of the family and how the subsidy will be used.

Subd. 2. INDIVIDUAL SERVICE PLAN. An individual service plan for the dependent shall be developed by the county social service agency and agreed upon by the parents. A transitional plan shall be developed for the dependent when the dependent turns age 17 in order to assure an orderly transition to other services when the family terminates services from this program and to assure that an application is made for supplemental security income and other benefits.

Subd. 3. SUBSIDY AMOUNT; USE. Subsidy amounts shall be determined by the commissioner of human services. The subsidy may be used to cover the costs of special equipment, special clothing or diets, related transportation, therapy, medications, respite care, medical care, diagnostic assessments, modifications to the home and vehicle, and other services or items that assist the family and dependent. The maximum monthly amount shall be \$250. The commissioner may consider the child's supplemental security income in determining the amount of the subsidy. A variance may be granted by the commissioner to exceed \$250 for emergency circumstances in cases where exceptional resources of the family are required to meet the health, welfare-safety needs of

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the child, for a period not to exceed 90 days per fiscal year. The commissioner may set aside one percent of the appropriation to fund emergency situations.

Subd. 4. RULEMAKING. The commissioner shall amend permanent rules to govern subsidy applications, criteria for approval, and other areas necessary to implement this program.

Sec. 5. **REPEALER.**

Minnesota Statutes 1985 Supplement, section 252.27, subdivision 4, is repealed.

Approved March 24, 1986

CHAPTER 415—S.F.No. 2067

An act relating to local government; permitting the establishment of special service districts in the city of Mendota Heights; providing taxing and other financial authority for the city.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **CITY OF MENDOTA HEIGHTS; SPECIAL SERVICE DISTRICTS.**

Subdivision 1. For the purpose of this act the terms defined in this section have the following meanings.

Subd. 2. "City" means the city of Mendota Heights.

Subd. 3. "Special services" means all services rendered or contracted for by the city, including, but not limited to:

(a) the repair, maintenance, operation, and construction of any improvements authorized by Minnesota Statutes, section 429.021;

(b) parking services rendered or contracted for by the city; and

(c) any other service provided to the public by the city that is authorized by law or charter provision.

Special services do not include any service that is ordinarily provided throughout the city from general fund revenues of the city unless an increased level of the service is provided in the special service district.

Subd. 4. "Special service district" means a defined area within the city where special services are rendered and the costs of the special services are paid from revenues collected from taxes and service charges imposed within that area.

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